

EXHIBIT N

Laurie E. Morrison, Esq.

From: Warsaw, Aaron <Aaron.Warshaw@ogletree.com>
Sent: Tuesday, February 13, 2018 10:03 PM
To: 'Laurie E. Morrison, Esq.'
Subject: RE: Depo Scheduling - Mosses & Ghobrial
Attachments: DR 000843 - 845 (14489 statements).pdf

Laurie,

First, regarding deposition scheduling:

- My client will be calling Mr. Moss's store tomorrow to confirm his availability on Monday to be deposed. (We believe his name is Moss not Mosses but are confirming that information as well.) As soon as we reach him, I will let you know.
- Unfortunately, Ms. Ghobrial is not available on Monday because her children are off from school for the holiday, and she is their caregiver. However, she is available to be deposed starting at 2pm on Thursday 2/15, and I could make myself available at that time after my court conference in Supreme Court Nassau County (I am unavailable before 2pm). Please confirm. To be clear, absent a court order, Defendants do not agree that Ms. Ghobrial's deposition may last beyond 7 hours as proscribed by the Federal Rules of Civil Procedure.
- I am available on Friday 2/16, Monday 2/19 after Mr. Moss's deposition, Wednesday 2/21 or Thursday 2/22 to take Plaintiff's deposition. As I indicated to you after we spoke with Judge Furman, I am willing to take Plaintiff's deposition in her home or any other location if she is medically unable to sit at our office.

Second, regarding Plaintiff's written discovery requests:

- 1) Please find enclosed Defendants' document production bearing Bates Nos. 843-845, which includes Mr. Spears' statement as well as a statement collected from Justin Yeotis. Despite our due diligence, it was not until that that we became aware that Ms. Ghobrial relied upon this information in her decision to terminate Plaintiff's employment.
- 2) To the extent that Ms. Ghobrial referenced training "modules" that Plaintiff received, such documents were previously produced as DR 127-140.
- 3) According to Defendants' business records, Mr. Spears and Ms. Davis identified as African-American, and Ms. Perez identified as Hispanic.
- 4) Defendants identify the information available publicly in the matter Martin v. Walgreen Co. et al, 16-cv-09658-AKH (SDNY). In response to your request, which we take under advisement, we anticipate producing additional responsive documents shortly.
- 5) Upon information and belief, the other case identified by Ms. Ghobrial is Jacob v. Duane Reade Inc., 10 Civ. 160-JPO (SDNY), which involved alleged misclassification of assistant store managers, did not include any allegations of discrimination or retaliation, and was resolved approximately five years ago. Beyond information that is equally accessible to Plaintiff through a search of the SDNY docket, Defendants object to the requested documents as not relevant to the claims or defenses in this case, and unduly burdensome.

Per my prior confirmation, Germaine Allen will be available to be deposed starting at 10am tomorrow and Troy Hennesey starting at 12:30pm. I will see you in the morning.

Sincerely,
Aaron

Aaron Warshaw | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

1745 Broadway, 22nd Floor | New York, NY 10019 | Telephone: 212-492-2509 | Fax: 212-492-2501
aaron.warshaw@ogletree.com | www.ogletree.com | [Bio](#)

From: Laurie E. Morrison, Esq. [mailto:morrison@lemorrisonlaw.com]

Sent: Tuesday, February 13, 2018 6:44 PM

To: Warshaw, Aaron

Cc: Laurie E. Morrison, Esq.

Subject: Fwd: Depo Scheduling - Mosses & Ghobrial

Hi Aaron,

As discussed today, I need to depose Mosses and Ghobrial this coming Monday. Mosses first, if possible. Please confirm these Monday depositions so I can notify the Court Reporter ASAP.

I am also available this Thursday, on Feb. 15th, if someone in your office can stand in for you, or if your Court conference is rescheduled for some reason.

Also contacted Plaintiff 2 hours ago in an attempt to receive her doctor's Ok for her to testify. I will let you know when I hear anything.

Thanks,
Laurie

Laurie E. Morrison, Esq.
Attorney & Counselor At Law
Employment Labor Civil Rights
New York Office:
100 Church Street, Suite #801
New York City, New York 10007
New Jersey Office:
28 Valley Road, Suite #1
Montclair, New Jersey 07042
(212) 721-4051 (office)
(646) 457-8347 (cell)
(646) 651-4821 (fax)
Morrison@lemorrisonlaw.com

Sent from iPhone

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